

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 58745

Jerzy T. Pawelski

1805 Walnut Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 3, 2009, for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1D, failure to remove accumulation of materials: appliance and radiator parts on residential property known as 1805 Walnut Avenue, 21222.

On May 7, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Lavette Street issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 13, 2009 requesting removal of open dump/junk yard, removal of contractor's equipment storage, and removal of accumulated debris and materials. This Citation was issued on May 7, 2009.

B. Photographs in the file show a large pile of old house radiators, a clothes washing machine and bagged garbage or debris. This violates prohibitions against accumulation of trash and debris on residential property. The pile of radiators violates zoning regulations that prohibit storage of contractor materials or debris on residential property. Photographs in the file indicate that the junk and debris was moved to the back of the property following issuance of the Correction Notice. However, removal from the premises is required. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violation is corrected within the time extension provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the code violation is corrected by removal of all the junk, trash and debris by July 1, 2009. If the Respondent fails to correct the violations, then the \$400.00 civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of June 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

